REMARKS

A.   Introduction

Applicant would like to thank the Examiner for the courtesy extended during the interview conducted on January 22, 2008. The interview clarified several issues and enabled

5   Applicant to better focus the present Amendment to expedite allowance of the present application.

Applicant respectfully requests reconsideration and allowance of this application. Claims 1, 2 and 4-18 are pending in the application. While Applicant respectfully disagrees with the Examiner's reasons for rejecting Claim 3, Applicant has nevertheless canceled this claim without

10   prejudice in order to expedite the allowance of the remaining claims. Applicant reserves the right to pursue canceled claims, and other claims, in continuing applications.

Applicant has amended Claims 1, 2, 4-9, 11 and 12, and Applicant has added new Claims 14-18. Applicant's claim amendments and claim additions are shown on the pages above following the heading AMENDMENTS TO THE CLAIMS. On these pages, the deletions are

15   struckthrough or [[double bracketed]] while the insertions are underlined.

Applicants submit that this application is now in condition for allowance, and Applicants earnestly request such action. Below, Applicants address each of the Examiner's reasons for rejection.

B.   All Claims are Patentable Over the Cited References

20   The Examiner rejected Claims 1-13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,859,435 to Lee et al. ("Lee"). While Applicant respectfully disagrees with the Examiner's reasons for rejecting Claim 3, Applicant has nevertheless canceled this claim without prejudice as detailed above. Applicant respectfully submits that the remaining claims are allowable over Lee.

25   Claims 1, 8 and 11

Various preferred embodiments of the present application define, inter alia, a method for transmitting frames between switches in a fibre channel network, a system for transmitting fibre channel frames and a fibre channel switch having a transmit port for transmitting fibre channel frames. In these embodiments higher priority frames are selected before lower priority frames

30   until a threshold number of higher priority frames have been selected, after which at least one lower priority frame is selected if lower priority frames are pending, as recited in Claims 1, 8 and

11. As discussed during the interview conducted on January 22, 2008, Lee does not teach or suggest this feature of Claims 1, 8 and 11. Applicant, therefore, respectfully submits that independent Claims 1, 8 and 11 are allowable over Lee. Dependent Claim 2, which includes the features of independent Claim 1, dependent Claims 9 and 10, which include the features of independent Claim 8, and dependent Claims 12 and 13, which include the features of independent Claim 11, recite additional features of particular advantage and utility. Moreover, these claims are allowable for substantially the same reasons presented above. Lee does not teach or suggest all of the limitations of Claim 1, Claim 8 or Claim 11, let alone the unique combinations of features recited by Claims 2, 9, 10, 12 or 13. Accordingly, Applicant respectfully requests that the Examiner withdraw these rejections.

Claims 4 and 6

Various other preferred embodiments of the present application define, *inter alia*, a system for transmitting fibre channel frames and a fibre channel switch having a transmit port for transmitting frames. These embodiments include at least two priority queues for placing frames with different priorities, and a counter associated with each queue. Each counter is configured to count frames transmitted from its associated priority queue, as recited in Claims 4 and 6. As discussed during the interview conducted on January 22, 2008, Lee does not teach or suggest this feature of Claims 4 and 6. Rather, the counter of Lee, discussed at column 13, lines 41-54, tracks the total buffer space occupied by packets with the priority levels i.

For the reasons presented above, Applicant respectfully submits that independent Claims 4 and 6 are allowable over Lee. Dependent Claim 5, which includes the features of independent Claim 4, and dependent Claim 7, which includes the features of independent Claim 6, recite additional features of particular advantage and utility. Moreover, these claims are allowable for substantially the same reasons presented above. Lee does not teach or suggest all of the limitations of Claim 4, or Claim 6, let alone the unique combinations of features recited by Claims 5 or 7. Accordingly, Applicant respectfully requests that the Examiner withdraw these rejections.

CONCLUSION

For the reasons presented above, Applicant respectfully submits that this application, as amended, is in condition for allowance. If there is any further hindrance to allowance of the pending claims, Applicant invites the Examiner to contact the undersigned.

5   Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1159.

10   Date: *1-22-08*

                                        Respectfully submitted,

15

                                          Scott Loras Murray
                                          Reg. No.: 53,360
                                          Attorney for Applicant
                                          Tel.: (949) 955-1920